

3-10-04

016

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EK VENTURES I, LLC; DAVID L. TAYLOR;
DAVID L. TAYLOR AND VIRGINIA L.
TAYLOR as TRUSTEES FOR THE TAYLOR
FAMILY REVOCABLE TRUST; and
FLEXTRONICS INTERNATIONAL LTD.,

Plaintiffs,

v.

JAMES R. BARTLETT and Z.B.R.
PUBLICATIONS, INC.,

Defendants.

CIVIL ACTION

No. 03 CV 12506 WGY

March 12, 2004

YOUNG, D.J.

So ordered as the case management
scheduling order.

Discovery due *Dec 15, 2004*

Dispositive Motions due *Jan 15, 2005*

William D. Young
U.S. District Judge

JOINT DISCOVERY PLAN
AND CASE MANAGEMENT PROPOSAL

Pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1, a telephonic meeting was held on Thursday, March 4 at 1:00 p.m. and was attended by Nancy Robertson and Douglas Roach, attorneys for the Plaintiffs, Thomas Fitzpatrick and Siobhan Sweeney, attorneys for Defendant James Bartlett, and David Ryan, attorney for Defendant Z.B.R. Publications, Inc. This meeting was conducted in accordance with the Court's February 24, 2004 request that the parties file a joint case management proposal by March 9, 2004. At the conference the parties reached agreement on a discovery plan and proposed case schedule, and hereby submit the following joint report.

I. DISCOVERY PLAN

The parties jointly propose to the court the following discovery plan and case schedule:

ORIGINAL

1. The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) by May 1, 2004. The parties will refrain from conducting all discovery until after their May 1 Rule 26(a)(1) disclosures, and will not take any depositions until after July 1, 2004.

2. The parties should be allowed until July 15, 2004 to join additional parties and to amend their pleadings in accordance with the requirements of Fed.R.Civ.P. 15. After July 15, 2004, the parties are presumed to have waived their right to amend absent compelling reasons for their failure to amend at an earlier date.

3. All discovery will be commenced in time to be completed by December 15, 2004.

4. Each side (or group of parties with a common interest) shall be limited to thirty-five (35) interrogatories, including subparts, to each other side (or group of parties with a common interest). Defendants Bartlett and ZBR are considered separate "sides" for the purpose of issuing interrogatories.

5. Each side (or group of parties with a common interest) shall be limited to twenty-five (25) requests for admission to each other side, excluding requests for admission as to the authenticity of a document, which shall be limited to fifty (50) requests per side. Defendants Bartlett and ZBR are considered separate "sides" for the purpose of issuing requests for admission.

6. Each side (or group of parties with a common interest) shall be limited to ten (10) depositions, excluding expert depositions. Defendants Bartlett and ZBR are considered separate "sides" for the purpose of taking depositions. Each deposition shall not exceed one seven-hour day, with the exception of the depositions of James Bartlett, David Taylor and Erikson Shirley. Mr. Bartlett's, Mr. Taylor's and Mr. Shirley's depositions each shall not exceed two seven-hour days unless otherwise permitted by agreement of the parties or by order of the Court.

7. The parties agree to make good faith efforts to coordinate the scheduling of depositions with opposing counsel in advance of noticing the depositions.

8. Reports from retained experts under Rule 26(a)(2) due:

From plaintiffs by October 15, 2004; and

From defendants by November 15, 2004.

9. All potentially dispositive motions should be filed by January 15, 2005.

10. The parties request a pretrial conference in February, 2005.

11. The case should be ready for trial by March 15, 2005. At this time the trial is expected to take approximately two to three weeks.

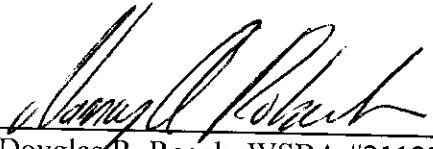
The parties do not request a conference with the court before entry of the scheduling order, as they have reached agreement on the scheduling and discovery issues.

II. LOCAL RULE 16.1(D)(3) CERTIFICATION

By signing below, counsel for the Plaintiffs, Bartlett and ZBR hereby certify and affirm that they have conferred with their clients (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs.

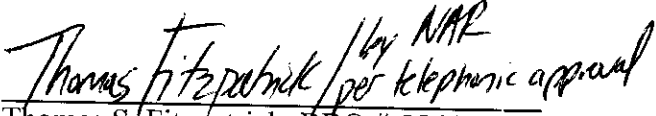
Dated this 8th day of March, 2004.

Respectfully submitted on behalf of the
Plaintiffs,



Douglas R. Roach, WSBA #21127
Nancy A. Robertson, WSBA # 25315
Admitted Pro Hac Vice
GROFF MURPHY TRACHTENBERG
& EVERARD
300 East Pine Street
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Telephone: (206) 628-9500

Respectfully submitted on behalf of the
Defendant James R. Bartlett



Thomas S. Fitzpatrick, BBO # 556453
Siobhan M. Sweeney, BBO # 562118
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Respectfully submitted on behalf of the
Defendant Z.B.R. Publications, Inc.



Melissa B. Tearney, BBO # 558612
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DISTRICT OF MASSACHUSETTS

10-64
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TAYLOR; DAVID L. TAYLOR AND
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PUBLICATIONS, INC.,

Defendants.

CIVIL ACTION

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CERTIFICATE OF SERVICE

I hereby certify that I caused to be served on March 8, 2004, a true and correct copy of the following documents:

1. JOINT DISCOVERY PLAN AND CASE MANAGEMENT PROPOSAL; and
2. CERTIFICATE OF SERVICE

to the counsel and/or parties of record listed below, via the method indicated:

David F. Anderson, Esq. Latti & Anderson, LLP 30-31 Union Wharf Boston, MA 02109	<input type="checkbox"/> Hand Delivery Via <input type="checkbox"/> Messenger Service <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Federal Express <input type="checkbox"/> Facsimile
Thomas S. Fitzpatrick, Esq. Siobhan M. Sweeney, Esq. Davis Malm & Dagostine, P.C. One Boston Place Boston, MA 02108	<input type="checkbox"/> Hand Delivery Via <input type="checkbox"/> Messenger Service <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Federal Express <input type="checkbox"/> Facsimile

David M. Ryan, Esq. Melissa B. Tearney, Esq. Nixon Peabody 101 Federal Street Boston, MA 02110-1832	<input type="checkbox"/> Hand Delivery Via Messenger Service <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Federal Express <input type="checkbox"/> Facsimile
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Dated this 8th day March, 2004.



Debbie Dern, Legal Secretary to
Nancy A. Robertson, WSBA # 25315
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